



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAR 8 2013

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7005 3110 0000 5970 6480

Honorable Ernest D. Davis, Mayor
City of Mount Vernon
City Hall-Roosevelt Square
Mount Vernon, New York 10550

Re: Order CWA-02-2013-3025
Municipal Garage – SPDES Permit NY0260312

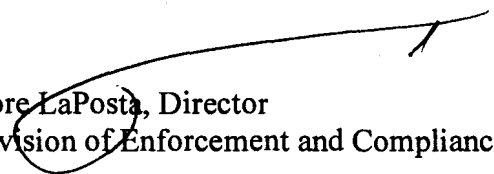
Dear Mayor Davis:

The United States Environmental Protection Agency ("EPA"), Region 2, has made a finding that the above-named facility is in violation of the Clean Water Act (33 U.S.C. §1251 et seq) ("the Act") for failure to comply with a State Pollution Discharge Elimination System ("SPDES") permit. Enclosed are two (2) originals of ORDER CWA-02-2013-3025 issued pursuant to Section 309(a) of the Act, which details the findings.

Please acknowledge receipt of this ORDER on one of the originals and return it by mail in the enclosed envelope. Failure to comply with the enclosed ORDER may subject the facility to civil/criminal penalties pursuant to Section 309 of the Act. **Failure to comply with this ORDER shall also subject the facility to ineligibility for participation in work associated with Federal contracts, grants or loans.**

If you have any questions regarding this ORDER, please contact Mr. Douglas McKenna, Chief, Water Compliance Branch at (212) 637-3766.

Sincerely yours,


Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Enclosures

cc: Joseph DiMura, Director, NYSDEC (w/enclosure)
Natalie Browne, DEC Region 3, Division of Water

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
Region 2
290 Broadway
New York, New York 10007-1866

-----X
IN THE MATTER OF
:
:
City of Mount Vernon
:
City Hall-Roosevelt Square
:
Mount Vernon, New York 10550
:
:
Respondent
:
:
Proceeding pursuant to §309(a) of the
:
Clean Water Act, 33 U.S.C. §1319(a)
:
SPDES Permit No. NY0260312
:
-----X

ORDER
CWA-02-2013-3025

The following ORDER is issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by the Clean Water Act, 33 U.S.C. §1251 et seq. ("the Act"), which authority has been duly delegated to the Regional Administrator of Region 2, EPA and since further redelegated to the Director, Division of Enforcement and Compliance Assistance, Region 2, EPA.

A. Findings of Violation

The City of Mount Vernon owns and/or operates a Department of Public Works (DPW) Garage located at 33 Canal Street, Mount Vernon, New York. The facility reported that it has been in continuous operation since March 1, 2003. Wastewater, runoff and washdown water from the garbage truck operations outside the yard is supposed to flow by gravity to an oil/water separator located on the facility's property prior to entering the stormwater collection system.

1. During an inspection of the subject facility on February 20, 2013, EPA inspectors, accompanied by New York State Department of Environmental Conservation (NYSDEC) representatives, observed wastewater (containing garbage truck washwater, oil and grease, suspended solids) bypassing the oil/water separator, flowing directly, from the facility into the street and ultimately to a separate storm drain which flows into Eastchester Creek, a tributary of the Hutchinson River, a navigable water of the United States pursuant to Section 502(7) of the Act, 33 U.S.C. §1362(7).
2. Section 301(a) of the Act, 33 U.S.C. §1311(a), states that it is unlawful for any person to discharge any pollutant except as in compliance with, inter alia, Section 402 of the Act, 33 U.S.C. §1342.

3. Section 301(a) of the Act, 33 U.S.C. §1311(a), provides, in part that the discharge of any pollutants by any person from a point source to a navigable water of the United States shall be unlawful except in accordance with the terms and conditions of a duly issued permit. The City of Mount Vernon is subject to the National Pollutant Discharge Elimination System ("NPDES") requirements pursuant to Section 402 of the Act, 33 U.S.C. §1342 and Section 301(a) of the Act, 33 U.S.C. §1311(a).
4. Section 308 of the Act, 33 U.S.C. §1318, provides, in relevant part, that the Administrator of EPA may require the owner or operator of any point source to, among other things: maintain such records; make such reports; install, use and monitor such equipment; sample such effluents; and provide such other information as may reasonably be required in order to carry out Section 402 of the Act, 33 U.S.C. §1342.
5. Section 402 of the Act, 33 U.S.C. §1342, authorizes the Administrator of EPA to issue a NPDES permit for the discharge of any pollutant, or combination of pollutants subject to certain requirements of the Act and conditions which the Administrator determines are necessary. Additionally, under the authority granted to the NYSDEC by the EPA under Section 402(b) of the Act, 33 U.S.C. §1342(b), a State Pollutant Discharge Elimination System ("SPDES") permit is required to be issued to facilities in New York State by the NYSDEC for the discharge of pollutants from said facilities from a point source to a navigable water of the United States.
6. The DPW facility has coverage under SPDES Permit No. NY0260312 to discharge stormwater to the Hutchinson River. The current SPDES Permit became effective on January 1, 2011.
7. Wastewater from the site discharges to the Eastchester Creek, a tributary of the Hutchinson River, a water of the United States, pursuant to Section 502(7) of the Clean Water Act ("CWA"), 33 U.S.C. §1362(7).
8. EPA conducted a compliance evaluation inspection of the facility on February 20, 2013 to determine compliance with the SPDES Permit and CWA requirements cited above.
9. During the inspection of February 20, 2013, the following information was obtained from facility personnel and observations made during the inspection (The report from this inspection is enclosed):
 - a) The City of Mount Vernon DPW Garage is primarily involved in the maintenance, repair, fueling and washing of municipal vehicles and garbage trucks. This process generates wastewater containing surfactants, cleaning agents, dirt and oil and grease. The process wastewater and stormwater from the facility is directed into an oil/water sand separator which is permitted to discharge to Outfall 001. A portion of this wastewater and stormwater also flows off site to a catch basin on Canal Street, tributary to a Municipal Separate Storm Sewer System ("MS4") outfall.

- b) Inspectors observed discharges of wastewater bypassing the trench drain tributary to the oil/water separator flowing offsite into a catch basin adjacent to the Hutchinson River to the MS4 adjacent to the facility, which discharges into the Eastchester Creek, a tributary of the Hutchinson River, a navigable water of the United States, during dry weather.
 - c) The facility has been in continuous operation as 33 Canal Street since March 1, 2003.
 - d) The City of Mount Vernon is only permitted to convey its direct discharges to the SPDES Permitted Outfall 001. It is not permitted to discharge its wastewater off-site to a storm drain described in subparagraphs a. and b. above.
 - e) The City of Mount Vernon failed to properly operate, maintain its facility and to clean its trench drain and oil/water separator. Proper Operation and Maintenance is required by 6 NYCRR Part 750-2.8(2) which is incorporated into the Permit. Additionally failure to conduct weekly inspections of the oil/water separator and preventative maintenance and good housekeeping violates the Industry Best Management Practices ("BMP") contained in paragraphs 1 to 4 of the Special Conditions of the Permit and the facility's BMP Plan.
 - f) The discharge monitoring sampling location was not representative of samples collected as required under SPDES Permit No. NY0260312 which incorporates 6 NYCRR Part 750(2). 6 NYCRR Part 750-2.5(2) requires that samples and measurements taken to meet the monitoring requirements specified in a SPDES permit shall be representative of the quantity and character of the monitored discharges.
10. Based upon the facts and findings set forth in Paragraphs 1-9 above, the City of Mount Vernon has violated its SPDES Permit and/or federal NPDES requirements in violation of the Act and its implementing regulations pursuant to §301, §308 and §402 of the CWA.

B. Ordered Provisions

Based upon the foregoing and pursuant to the authority of Section 309(a)(3) of the Act, it is hereby ORDERED that:

1. Immediately upon receipt of the duplicate copies of the ORDER, a responsible official of the City of Mount Vernon shall complete the acknowledgment of receipt on one of the originals of this ORDER and return said original to the Chief, Water Compliance Branch, in the enclosed envelope.

City of Mount Vernon shall immediately **CEASE AND DESIST** all discharges off-site from its DPW facility to the municipal separate stormwater system as described in the Findings of Violation section of this ORDER until authorized by a SPDES permit.

2. City of Mount Vernon shall provide a written certification, signed by a responsible official, that the discharges from the DPW facility to the municipal separate storm sewer system have ceased within fifteen (15) calendar days of receipt of this Order.
3. Within sixty calendar days of receipt of this Order please respond to the USEPA in writing with the with a Plan of Action (including schedules) that the facility has taken or will take to address the Potential Noncompliance Items and Areas of Concern identified in the enclosed inspection report.

Any questions concerning this ORDER should be directed to Mr. Douglas McKenna, Chief, Water Compliance Branch at (212) 637-4244.

All information required to be submitted by this ORDER shall be sent by registered mail or its equivalent to the following address:

Chief, Water Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway - 20th floor
New York, New York 10007-1866

This ORDER does not constitute a waiver from compliance with or a modification of the effective terms and conditions of the pretreatment regulations and the Clean Water Act, which remain in full force and effect. This ORDER is an enforcement action taken by EPA to ensure swift compliance with the Act. Issuance of an Administrative Order shall not be deemed an election by EPA to forego any civil or criminal actions which would seek penalties, fines, or other appropriate relief under the Act.

C. General Provisions

1. Any documents to be submitted by Respondent as part of this Order shall be sent by certified mail or its equivalent and shall be signed by an authorized representative of the respective entity (see 40 CFR §122.22), and shall include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false

information, including the possibility of fine and imprisonment for knowing violations."

2. The Respondent shall have the opportunity, for a period of twenty (20) days from the effective date of this Order, to confer, regarding the Ordered Provisions, with the following designated Agency representative:

Douglas McKenna, Chief
Water Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway - 20th floor
New York, New York 10007-1866
212-637-4244

3. Respondent may seek federal judicial review of the CWA Section 309(a)(3) Compliance Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.
4. This Order does not constitute a waiver from compliance with, or a modification of, the effective terms and conditions of the CWA, its implementing regulations, or any applicable permit, which remain in full force and effect. This Order is an enforcement action taken by EPA to ensure swift compliance with the CWA. Issuance of this Order shall not be deemed an election by EPA to forego any civil or criminal actions for penalties, fines, imprisonment, or other appropriate relief under the CWA.
5. Notice is hereby given that failure to comply with the terms of the CWA Section 309(a)(3) Compliance Order may result in your liability for civil penalties for each violation of up to \$37,500.00 per day under Section 309(d) of the CWA, 33 U.S.C. §1319(d), as modified by 40 C.F.R., Part 19. Upon suit by EPA, the United States District Court may impose such penalties if, after notice and opportunity for hearing, the Court determines that you have violated the CWA as described above and failed to comply with the terms of the Compliance Order. The District Court has the authority to impose separate civil penalties for any violations of the CWA and for any violations of the Compliance Order.
6. Notice is hereby given that failure to comply with the requirements of the CWA Section 308 Information Request may result in your liability for civil penalties for each violation of up to \$37,500 per day under Section 309(d) of the CWA, as modified by 40 C.F.R. Part 19. Upon suit by EPA, the United States District Court may impose such penalties if, after notice and opportunity for a hearing, the Court determines that you have failed to comply with the terms of the Information Request. You may also be subject to administrative remedies for a failure to comply with the Information Request as provided by Section 309 of the CWA.

7. If any provision of this Order is held by a court of competent jurisdiction to be invalid, any surviving provisions shall remain in full force and effect.
8. This Order shall become effective upon the date of execution by the Director, Division of Enforcement and Compliance Assistance.

Dated: March 8, 2013

Signed: _____

Dore LaPosta, Director
Division of Enforcement and Compliance

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

City of Mount Vernon
City Hall-Roosevelt Square
Mount Vernon, New York 10550

Respondent

Proceeding pursuant to §309(a) of the Clean Water
Act, 33 U.S.C. §1319(a)

SPDES Permit No. NY0260312

ADMINISTRATIVE ORDER

CWA-02-2013-3025

**ACKNOWLEDGMENT OF RECEIPT OF
ADMINISTRATIVE COMPLIANCE ORDER**

I, _____, an officer of the City of Mount Vernon

with the title of, _____, do hereby acknowledge the receipt of copy of the
ADMINISTRATIVE ORDER, CWA-02-2013-3025

DATE: _____

SIGNED: _____

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2, DECA-WCB**

20th Floor, 290 Broadway, NY, NY 10007

Facility: City of Mount Vernon, Department of Public Works (DPW). City Yard
SPDES No. NY0260312

Inspection Date: 2/20/2013

EPA/State Representatives: Jerry Ciotola Env. Eng., EPA Region 2, (212) 637-4223
Robert Ferri, Env. Sci. EPA-Region 2, (212)637-4227
Natalie Browne, NYSDEC-Region 3
Aparna Roy, NYSDEC-Region 3

On-Site Representative: Curtis Woods, P.E.
Commissioner, DPW

Permit: SPDES No. NY0260312

Date **February 20, 2013**

Background:

The City of Mount Vernon operates a Department of Public Works (DPW) City Yard under SPDES Permit NY0260312. The Mount Vernon D.P.W. City Garage is permitted to discharge treated stormwater from an oil/water separator to a storm drain which discharges to the Hutchinson River via Outfall 001. All interior wash downs of garbage and municipal trucks liquids are supposed to be routed to an oil/water separator that discharges to the Yonkers Wastewater Treatment Plant in Westchester County.

Introduction:

On February 20, 2013, a briefing meeting was held with City officials that included Curtis J. Woods, Commissioner, Bobby Jones, Sewer Foreman, Mount Vernon. The meeting was held as part of the inspection to discuss the City's Storm-Water Management Plan (SWMP), it's requirements, and the Municipal Separate Storm Sewer ("MS4") field inspection. During the meeting, the New York State Department of Environmental Conservation ("NYSDEC") was represented by Natalie Browne and Aparna Roy, of DEC Region 3. The purpose of EPA's multi-programmatic (National/State Pollutant Discharge Elimination System ("NPDES/SPDES") and Underground Injection Control ("UIC")) MS4 inspection to identify potential sources of pathogens and illicit discharges that might impact water quality in the area (Bronx River,

Eastchester Creek a tributary to the Hutchinson River, Upper East River, and the lower Long Island Sound, and their tributaries). The EPA was represented by Jerry Ciotola and Robert Ferri, of Region 2. The initial meeting was held at City Hall offices, One Roosevelt Square, Mount Vernon NY. After the briefing, we accompanied the Commissioner to the DPW Garage located at 33 Canal Street, Mount Vernon, NY. The weather conditions during the inspections were sunny and dry.

Potential Non-Compliance:

1. Outfall 001 Monitoring Location

At the time of our EPA inspection, the Outfall 001 monitoring location specified in the Facility's SPDES Permit NY0260312 ("Permit"), which is from the manhole just upstream of the effluent discharge pipe to the Hutchinson River from the 5,000 gal. capacity oil/water separator was found to have standing water, well above the invert of the outfall pipe, and is subject to tidal flow. Inspectors observed stagnant standing water in the sump of the manhole which would generally preclude a representative sample. Representative samples are required by the paragraph (a) of the SPDES Permit, Recording, Reporting and Additional Monitoring Requirements on page 11 of 11 which cites 6 NYCRR Part 750-2. 6 NYCRR Part 750-2.5(2) requires that samples and measurements taken to meet the monitoring requirements specified in a SPDES permit shall be representative of the quantity and character of the monitored discharges. Monitoring under the SPDES Permit should be conducted at the oil/water separator outlet to ensure a representative sample.

2. Effluent Violations - NYSDEC sent a Notice of Violation ("NOV") on September 28, 2012 to the facility for effluent violations for oil and grease and mercury. Based on a December 11, 2012 follow up letter from the NYSDEC the 15 mg/l oil and grease limitation was exceeded in January, May, June, and August of 2012 (See attached DEC 9/28/12 NOV and 12/11/12 follow up letter).
3. Paragraph 4 of the SPDES Permit, Special Conditions – Industry Best Management Practices - Operation and Maintenance requires that the Best Management Practices ("BMP") Plan include Inspection and Records. The facility's BMP Plan signed on June 11, 2012 Routine Facility Inspections, requires: Quarterly inspections of all areas where industrial materials or activities are exposed to stormwater including parking and outside storage and materials handling areas; Quarterly inspections of stormwater catch basins and separator, cleaning as needed; and, Annual inspection of entire facility both interior and exterior. The BMP Plan also contains inspection checklists for these inspections. During the EPA/NYSDEC inspection, EPA requested the facility's inspection records, but there were no inspection reports available as required by the Permit and BMP Plan.

4. Inspectors observed a large amount of solids in the trench drain that leads to the stormwater oil/water separator, increasing the likelihood of fouling due to a lack of cleaning and proper operation and maintenance of the separator. The City of Mount Vernon's DPW Facility has a Stormwater Pollution Prevention and BMP Plan that requires Best Management Practices for the oil/water separator for the stormwater yard drains. NYSDEC issued a letter of December 11, 2012 requiring weekly inspections of the storm water oil/water separator and maintain inspection records at the facility. Additionally, Paragraph 4 ("13 Minimum BMPs") of the SPDES permit requires inspection records along with preventive maintenance and good housekeeping. The facility has not implemented the required BMPs, a violation of the SPDES permit NY0260312.

Proper Operation and Maintenance is required by 6 NYCRR Part 750-2.8(2) which is incorporated by reference into the Facility's SPDES Permit. Additionally failure to conduct preventative maintenance and good housekeeping does not comply with the Industry Best Management Practices ("BMP") contained in paragraphs 1 to 4 of the Special Conditions of the Permit and the facility's BMP Plan. The facility's BMP Plan, under Maintenance (Page 5) states: "All BMPs identified in the SWPPP are to be maintained in effective operating condition".

5. Inspectors observed numerous oil and grease leaks on the ground throughout the interior garage areas that were not cleaned, increasing the probability of tracking hydrocarbons to the exterior yard when trucks are washed down. Failure to conduct proper Operations and Maintenance and Good Housekeeping does not comply with Paragraph 4 of the Special Conditions of the Permit, the Incorporated BMP Plan, or 6 NYCRR Part 750-2.8(2) as described in the above paragraph.
6. As shown in photo P1010537 ("537") to 542 inspectors observed wastewater containing oil and grease and other liquids associated with wash-down as well as liquids associated with the contents of the garbage trucks bypassing the trench drain that flows to the oil/water separators and instead discharging offsite to a downstream stormwater catch basin tributary to the Hutchinson River, In accordance with the Permit, and as shown in the Facility's Stormwater Conveyance System Layout (on page 51 of 95 of the BMP Plan) discharges from the facility are only permitted to discharge via SW Outfall 001 or specific discharges from the DPW building are sent to the Sanitary Sewer via another oil water separator. Discharges from the site are not permitted to be discharged from an off-site stormwater catch basin without treatment or monitoring at Outfall 001. Discharge of the pollutants from a point source without a SPDES Permit does not comply with Sections 301 and 402 of the Clean Water Act.

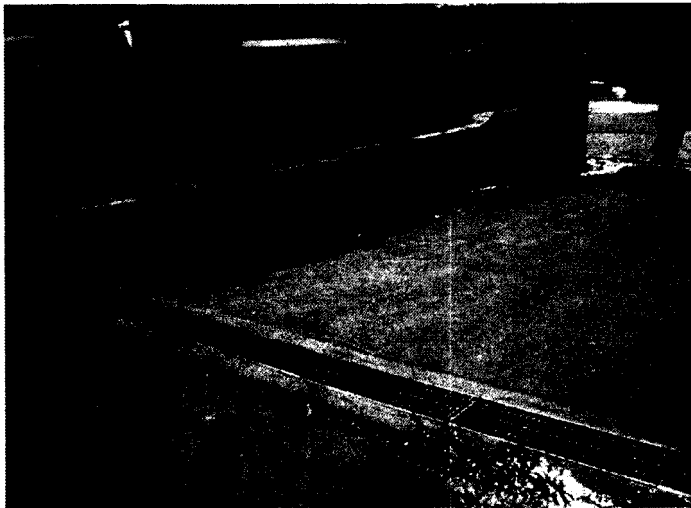
ATTACHMENTS

- Photographs and Photo Log
- Stormwater Conveyance System Layout
- DEC 9/28/12 NOV and 12/11/12 Follow Up Letter

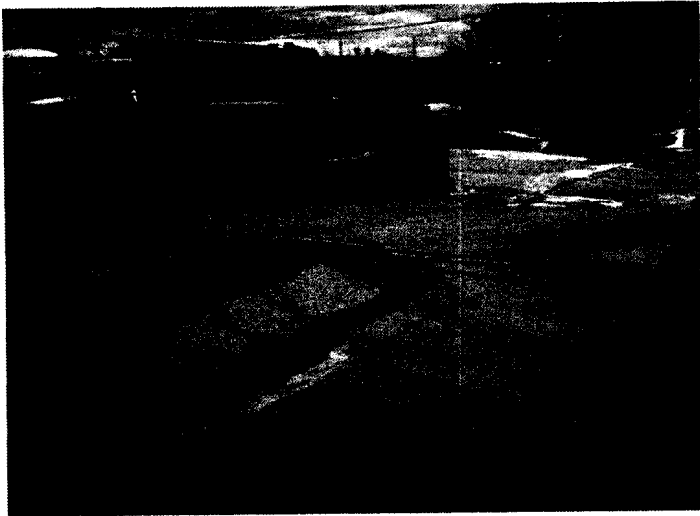
PHOTOGRAPH LOG (Panasonic Lumix L8Z)

City of Mount Vernon, NY (Unedited photos taken by Jerry Ciotola, Environmental Engineer, USEPA Region 2, Water Compliance Branch, February 20, 2013)

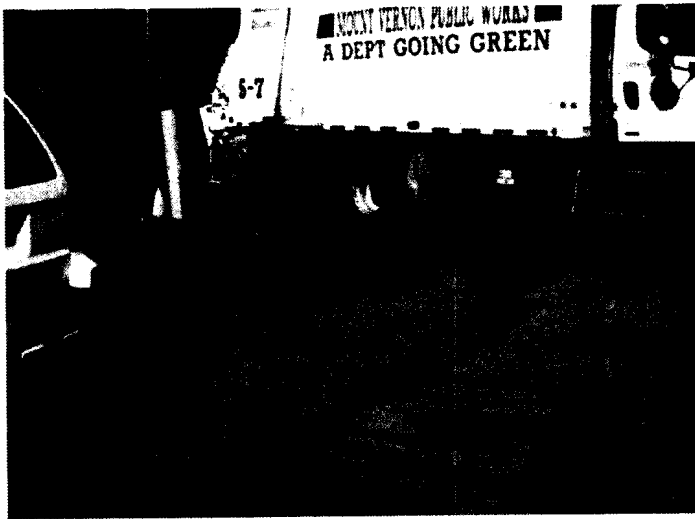
Photograph No.	Photograph Description
P1010537	Bypass of the Stormwater Oil/Water Separator
P1010538	Bypass of the Stormwater Oil/Water Separator
P1010539	Wastewater discharges from Garbage trucks Bypassing the Oil/Water Separator
P1010540	Wastewater discharges from Garbage trucks Bypassing the Oil/Water Separator
P1010541	Wastewater discharges from Garbage trucks Bypassing the Oil/Water Separator
P1010542	Wastewater discharges from DPW Garage pooling adjacent to downstream catch basin
P1010543	Storm drain inlet leading to oil/water separator contained a large buildup of solids and was in need of maintenance.
P1010544	Wastewater drained from Garbage truck discharging to sanitary drain Oil/water Separator



P1010537



P1010538



P1010539



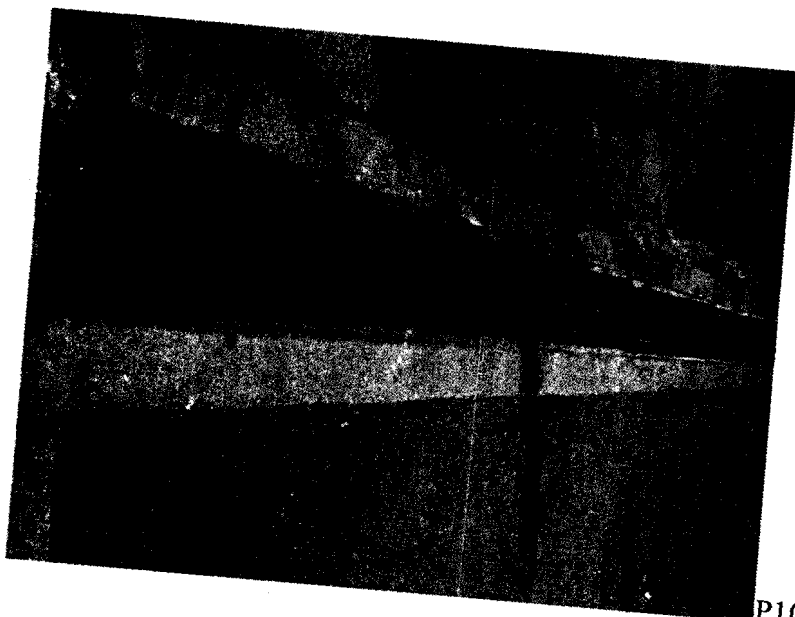
P1010540



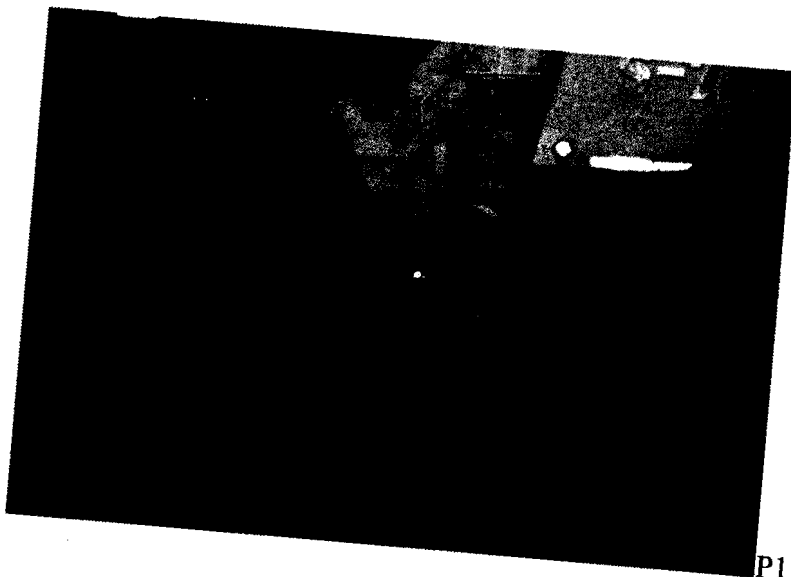
P1010541



P1010542



P1010543



P1010544



United States Environmental Protection Agency
Washington, D.C. 20460
Water Compliance Inspection Report

Form Approved.
OMB No. 2040-0057

Section A: National Data System Coding (i.e., PCS)

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 N 2 5 3 N Y 0 2 6 0 3 1 2 11 12 1 3 0 2 0 8 17 18 ~ 19 R 20 1					
Remarks					
21 66					
Inspection Work Days		Facility Self-Monitoring Evaluation Rating		Reserved	
67 1 69 70 71 72 73 74 75 80					

Section B: Facility Data

Name and Location of Facility Inspected (for industrial users discharging to POTW, also include POTW name and NPDES permit number)		Entry Times/Dates	Permit Effective Date
City of Mount Vernon, Department of Public Works Garage 33 Canal Street Mount Vernon, NY 10550		2/20/2013 11:00 AM	1/1/2011
		Exit Times/Dates	Permit Expiration Date
		2/20/2013 1:30 PM	12/31/2015
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)		Other Facility Data	
Curtis Woods, P.E. Commissioner-City Engineer City Hall-Roosevelt Square Mount Vernon, NY 10550 914-665-2300 914-665-2476 fax		SIC Code: 1442 Lat: 73 deg 49min 20 sec Long: 40 deg 53 min 45 sec	
Name, Address of Responsible Official/Title/Phone and Fax Number(s)			
Ernest Davis, Mayor City of Mount Vernon City Hall-Roosevelt Square Mount Vernon, NY 10550			

Section C: Areas Evaluated During Inspection (Check only those areas evaluated)

<input checked="" type="checkbox"/> Permit	<input type="checkbox"/> Flow Measurement	<input type="checkbox"/> Operations & Maintenance	<input type="checkbox"/> CSO/SSO (Sewer Overflow)
<input checked="" type="checkbox"/> Records/Reports	<input type="checkbox"/> Self-Monitoring Program	<input type="checkbox"/> Sludge Handling/Disposal	<input type="checkbox"/> Pollution Prevention
<input checked="" type="checkbox"/> Facility Site Review	<input type="checkbox"/> Compliance Schedules	<input type="checkbox"/> Pretreatment	<input type="checkbox"/> Multimedia
<input type="checkbox"/> Effluent/Receiving Water	<input type="checkbox"/> Laboratory	<input checked="" type="checkbox"/> Storm Water	<input type="checkbox"/> Other:

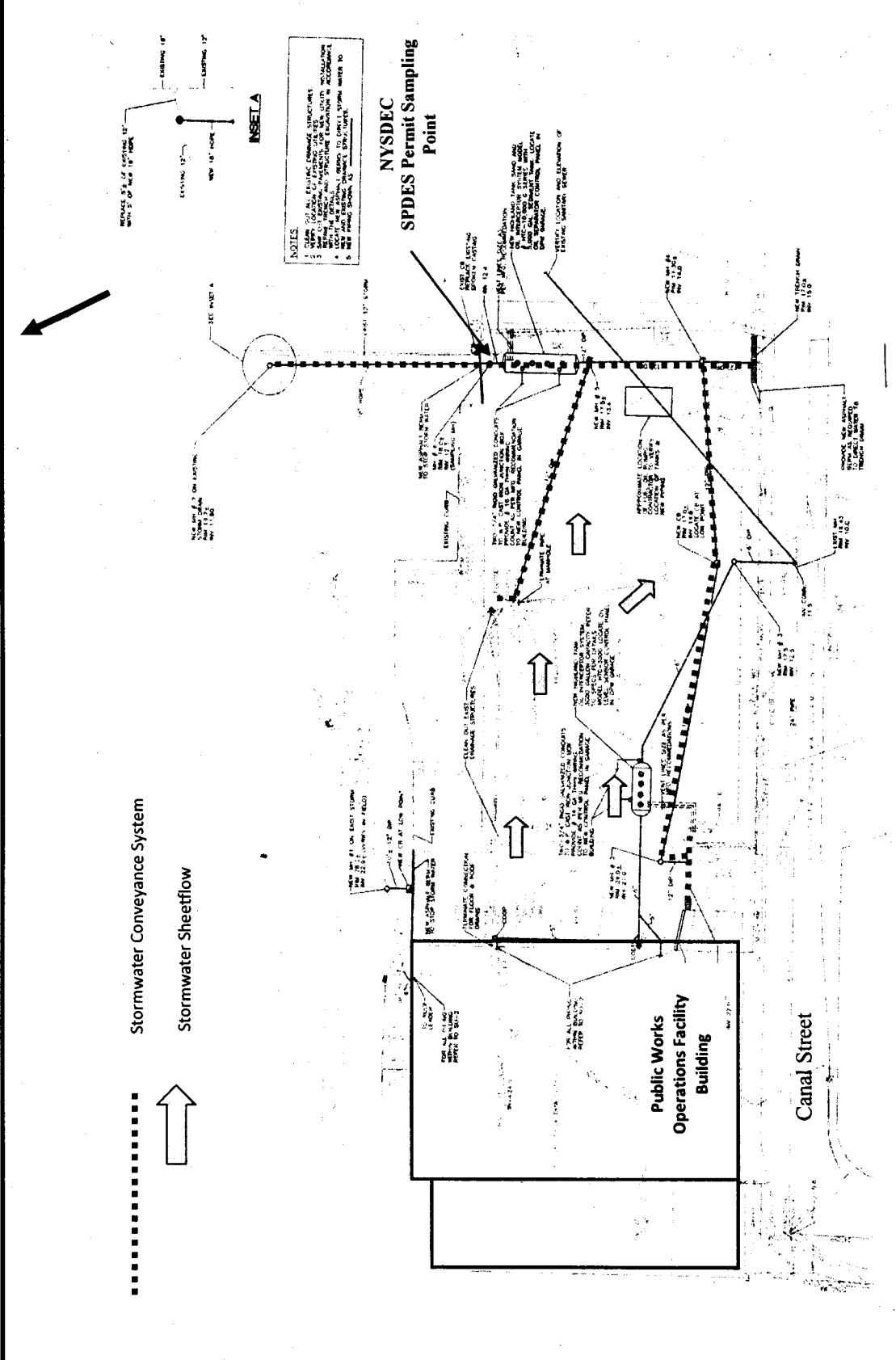
Section D: Summary of Findings/Comments (Attach additional sheets of narrative and checklists as necessary)

See Attached Report.

Also present on-site on July 18, 2012:

DEC Region 3, Div of Water Engineers : Natalie Browne, Aparna Roy 914-428-2505
Robert Ferri, EPA Region 2, 212-637-4227
Bobbie Jones, Mount Vernon Sewer Foreman 914-403--2695

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Phone and Fax Numbers	Date
Jerry C. Ciofalo, Env. Engineer	EPA/DECA-WCB/ (212) 637-4223 FAX:x4211	3-6-13
Signature of Management Q/A Reviewer	Agency/Office/Phone and Fax Numbers	Date
Murray Lantner, Acting Compliance Section Chief	EPA/DECA-WCB/ (212) 637-3976 FAX:x4211	3-6-13



City of Mount Vernon, New York
 Stormwater Pollution Prevention Plan
 Public Works Operations Facility
 33 Canal Street
 Stormwater Conveyance System Layout
 (see full set of reduced plans in rear cover pocket)

New York State Department of Environmental Conservation
Division of Water, Region 3
100 Hillside Avenue – Suite 1W, White Plains, New York 10603-2860
Phone: (914) 428-2505 • Fax: (914) 428-0323
Website: www.dec.ny.gov



Joseph Martens
Commissioner

December 11, 2012

Curtis Woods, P.E.
Commissioner, Department of Public Works
City of Mount Vernon
City Hall- Roosevelt Square
Mount Vernon, NY- 10550

Re: D.P.W. City Yard
City of Mount Vernon, SPDES No. NY 026 0312

Dear Mr. Woods:

This letter summarizes the meeting held in this office on December 7, 2012. This Department issued a Notice of Violation (NOV) to the referenced facility on September 28, 2012. The meeting was called to discuss the City's plans for the corrective actions to address the repeated effluent limits violations for Mercury and Oil and Grease.

Following items were discussed and agreed to at the meeting:

- The importance of submitting DMRs in timely manner.
- Implement the facility's existing Best Management Practice (BMP) Plan. Establishing best management practices will improve the facility's chances of meeting the effluent limits.
- Maintain facility inspection reports or an inspection log book.
- Conduct weekly inspection of the oil water separator and maintain the inspection records. The Department recommended the facility to skim oil from the separator and collect samples for oil and grease from the last compartment of the separator to evaluate the unit's performance to meet the effluent limits for oil and grease.
- Evaluate alternate sampling locations and submit the findings to this Department.

Please submit a report with all of the requested information to this Department no later than **February 15, 2013**. The Department appreciates your cooperation and will monitor your progress on this matter. If you have any questions, please contact me at (914) 428-2505 Ext.362.

Very truly yours,

Aparna Roy
Environmental Engineer

ecc: Shohreh Karimipour, P.E. Regional Water Engineer, NYS DEC Division of Water
Meena George, P.E., NYSDEC Division of Water

City of Mount Vernon

Facility: DPW, CITY YARD

SPDES No: NY0260312

INVESTIGATION REPORT

DECEMBER 2012

INTRODUCTION AND BACKGROUND

New York State has a state program which has been approved by the United States Environmental Protection Agency for the control of wastewater and stormwater discharges in accordance with the Clean Water Act. Under New York State law the program is known as the State Pollutant Discharges Elimination System (SPDES) and is broader in scope than that required by the Clean Water Act in that it controls point source discharges to groundwaters as well as surface waters.

The City of Mount Vernon, facility exceeded the effluent limits of its State Pollutant Discharges Elimination System (SPDES) permit. The New York State Department of Environmental Conservation believes that the non-compliance reports failed to identify the corrective measure to address these frequent violations which may indicate the lack of adequate maintenance at the facility.

The City of Mount Vernon, State Pollutant Discharges Elimination System (SPDES) permit sampling point is from the stagnant water from the bottom sump of the manhole in the Mount Vernon DPW facility; this manhole then leads into the storm sewer system downstream. The exceeding effluent limits of its State Pollutant Discharges Elimination System (SPDES) permit are due from the collection from stagnant water source rather than from a free flowing outfall.

PERMIT SAMPLING POINT

The City of Mount Vernon does not have a free flowing outfall to collect its samples for the monthly Discharges Monitoring Reports (DMRs). The monthly flow rates are estimated monthly using weather data forecasts received by the city. The samples that are collected from the sampling point are sent to an outside laboratory for testing. The estimated flow rates and oil and grease limits for the past eleven (11) months are as follows;

E 113.00	January	44.80 mg/l
E 38.00	February	2.00 mg/l
E 58.00	March	3.10 mg/l
E 44.00	April	7.56 mg/l
E 86.00	May	33.60 mg/l
E 86.00	June	20.40 mg/l
E 67.00	July	9.16 mg/l
E 108.00	August	42.50 mg/l
E 20.00	September	10.90 mg/l
E 22.00	October	0.50 mg/l
E 13.00	November	2.80 mg/l

There were four (4) months that the oil and grease effluents exceeded the 15 mg/l limit during the past eleven (11) months. Prior to the sampling point manhole, there is a 5000 gallon sand and oil interceptor system in the Mount Vernon DPW facility. The City of Mount Vernon has noted that the exceeding of the oil and grease effluent limits of its State Pollutant Discharges Elimination System (SPDES) permit are due to the collection of samples from this sampling point manhole. During the past eleven (11) months the collection of the samples has always been from the stagnant water in the sump of the manhole; never from a free flowing outfall. The inlet and outlet inverts are always submerged during the sample collection. The effluents in the stagnant water are the cause for the frequently exceeding oil and grease limits

CORRECTIVE MEASURES

Corrective measures have been implemented by the City of Mount Vernon. In June 2012, the city hired the Dolph Rotfeld Engineering, P.C. consultant & designers to assist the city in upgrading its Best Management Practice (BMP) Plan for the Mount Vernon DPW facility, a hardcopy of the Plan was delivered by hand to the Department of Environmental Conservation Region 3 office in White Plains, NY.

The bottom of the sump at the sampling point manhole and the sand and oil interceptor system in the Mount Vernon DPW facility are cleaned annually.

New York State Department of Environmental Conservation

Division of Water, Region 3

100 Hillside Avenue – Suite 1W, White Plains, New York 10603-2860

Phone: (914) 428-2505 • Fax: (914) 428-0323

Website: www.dec.ny.gov



Joseph Martens
Commissioner

September 28, 2012

Curtis Woods, Commissioner of Public Works
City of Mount Vernon
City Hall
1 Roosevelt Square
Mount Vernon, New York 10550

Re: **Notice of Violation**

Request for Information, SPDES No.: NY 026 0312, City of Mt. Vernon DPW Garage
City of Mt. Vernon, Westchester County

Dear Mr. Woods:

The Department has noted that the referenced facility frequently exceeds the effluent limits of its State Pollutant Discharge Elimination System (SPDES) permit. The non-compliance reports failed to identify the corrective measures to address these frequent violations which may indicate the lack of adequate maintenance at the Facility. Additionally, a review of our file indicates that the facility does not submit Discharge Monitoring Report (DMR) in timely manner as required by the SPDES permit.

Failure to submit the required reports in timely manner and to implement good housekeeping practices are violations of your SPDES permit and Article 17 of Environmental Conservation Law. Violation of Article 17 of Environmental Conservation Law may be subject to penalties of up to \$37,500 per day per violation.

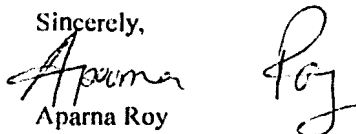
The following items must be addressed immediately:

1. Implement the Facility's existing Best Management Practice (BMP) Plan and update the existing maintenance practices at site.
2. Submit required reports in timely manner as per your SPDES permit to keep the facility in compliance.
3. Please address the issues of repeated non compliance of Oil and Grease and Mercury and return the facility to compliance. Submit an Engineering Report on actions to investigate and correct these violations.
4. Please report "No Discharge" on DMR when there is no discharge from the manhole.

Please submit a response to this letter with the Engineering Report to this Department **no later than November 5, 2012 to avoid an enforcement action**. A compliance conference has been scheduled for **November 12, 2012** to be held in this office at 10:00 AM. Failure to attend the meeting may result in formal enforcement action.

The Department anticipates your compliance with the requirements of the SPDES program which we will take into consideration before making a final determination regarding appropriate enforcement action for the violation. If you have any questions, please call me at (914) 428-2505 Ext. 362.

Sincerely,


Aparna Roy
Environmental Engineer

cc: Shohreh Karimipour, P.E., Regional Water Engineer, NYSDEC